HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.26720 of 2001

Dated 4th day of July, 2007

Between:

M. Venkatadri .. Petitioner

And

The Executive Engineer,
Panchayat Raj, Anantapur District
and three others. ..
Respondents

O R D E R:

This writ petition is filed seeking a direction to the respondents not to take steps for laying a metal road through the petitioner's land admeasuring Ac.5.80 cents in S.No.628 situated in Ipperu Village, as arbitrary and illegal.

The petitioner asserts that he owns a land of an extent of Ac.5.80 cents in S.No.628 situated in Ipperu village. There is a metal road from Ipperu village to Nagireddipalli village via Kalagalla village on which R.T.C. buses ply. His land is situated along the metal road between Ipperu and Nagireddipalli villages. There is a narrow cart-track across his land from Ipperu to Nagireddipalli and this cart-tract is being used only by him for agricultural purpose. Now, the grievance of the petitioner is that the Government, without acquiring his land covered by cart-track as contemplated under the Land Acquisition Act, is trying to lay a metal road of 18 ft. width in it and make it pucca to facilitate the plying of buses, vehicles, etc. because the respondents have found the cart-tract a short-cut root for them.

In spite of the fact that respondents were served with notices they have not chosen to file counter affidavit.

Heard the learned counsel for both the parties.

This Court, on 23.4.2002, granted interim direction to the respondents not to lay any road across the land of the petitioner in S.No.628 situated in Ipperu village, but the learned Government Pleader for Panchayat Raj has contended that the authorities are trying to widen only the existing metal road. Hence, this Court has no option but to accept the contention of the learned counsel for the petitioner that laying a new metal road of 18 feet width or widening the existing metal road is definitely across the land of the petitioner in S.No.628 and the same is contrary to law. If really, they want to lay a

new road or widen the existing one, definitely, they can do so only by acquiring the land under the provisions of Land Acquisition Act and after paying compensation. But, as the respondents have not initiated any proceedings either under the Land Acquisition Act or under any other Act in force, they are hereby directed not to lay any road across the land of the petitioner in S.No.628 without following due process of law.

In the result, this writ petition is allowed. No costs.

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04.07.2007

bcj